

BEFORE THE
DIVISION OF ALLIED HEALTH PROFESSIONS
MEDICAL BOARD OF CALIFORNIA
PHYSICIAN ASSISTANT EXAMINING COMMITTEE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

No. D-4509

JORGE CHARLET)
230 Bernice Avenue)
Stockton, CA 95210)

OAH No. N-38724

Certificate No. PA-11980)

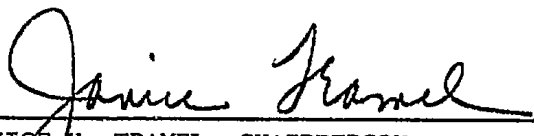
Respondent.)
_____)

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Physician Assistant Examining Committee as its Decision in the above-entitled matter.

This Decision shall become effective on February 26, 1992.

IT IS SO ORDERED January 27, 1992.



JANICE V. TRAMEL, CHAIRPERSON
PHYSICIAN ASSISTANT EXAMINING COMMITTEE

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Respondent.)	

PROPOSED DECISION

On November 5, 1991, in Sacramento, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by Jana L. Tuton, Supervising Deputy Attorney General.

Respondent was present and represented by Louis C. Castro, Attorney at Law.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Complainant Ray E. Dale made the Accusation in his official capacity as the Executive Officer of the Physician Assistant Examining Committee, Department of Consumer Affairs.

II

On April 2, 1987, respondent Jorge Charlet was issued license number PA-11980 as a physician assistant by the Physician Assistant Examining Committee. Said license is clear and valid and will expire on March 31, 1993, unless renewed.

III

On December 17, 1990, respondent was convicted, on his plea of guilty, of one count of violating section 11153(a) of the Health and Safety Code for prescribing a controlled substance, to wit, Tylenol with Codeine, to an undercover police officer without a legitimate medical purpose and while not acting in the usual course of his professional practice. This crime is a felony which is substantially related to the qualifications, functions or duties of a physician assistant.

On this same date, respondent was convicted, on his plea of guilty, on two counts of violating section 11156 of said code for unlawfully prescribing, administering and dispensing a controlled substance, to wit, Valium, to an undercover police officer who represented she was an habitual drug abuser, and Tylenol with Codeine to another undercover police officer who also represented that she was an habitual drug abuser. These crimes are misdemeanors which were reduced from felonies as part of a plea bargain. They are substantially related to the qualifications, functions or duties of a physician assistant.

The facts and circumstances surrounding the above convictions are that in January of 1990, while respondent was employed by a medical clinic in Modesto, California, respondent issued prescriptions to police decoys as set forth above. Respondent was virtually unsupervised at the medical clinic and prescribed to the decoys and others as if he were a doctor. As a result of his convictions, judgment was suspended and respondent was placed on formal probation for three years with a requirement that he serve 150 days in a county detention facility.

IV

No sufficient credible evidence of extenuation, mitigation or rehabilitation was received. The fact that respondent came to this country as a political refugee from Chili in 1976 and his life history that led him to obtain a physician assistant's license in 1987 are not sufficient extenuation, mitigation or rehabilitation facts. Nor are the facts concerning his work history as a physician assistant prior to the above convictions. Respondent's work history since his convictions and the fact that many of the patients he sees at a medical clinic where he is now employed believe he is doing a very good job is inadequate rehabilitation.

Respondent did not act in good faith in issuing the above prescriptions. He issued them when it was clear that they were not medically indicated. Respondent's testimony on this issue was unbelievable and much of his other testimony was not believable.

Although respondent was virtually unsupervised by a physician at the time of the above crimes, this does not mitigate his responsibilities as a physician assistant licensee. Respondent acted as if he were totally unaware of the drug prescription responsibilities of a physician assistant and he appears to have little concern or appreciation for those responsibilities at this time. Respondent is not rehabilitated.

DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact the Administrative Law Judge makes the following determination of issues:

I

Cause for discipline of respondent Jorge Charlet's physician assistant license was established for violation of section 3531 of the Business and Professions Code, by reason of Finding III.

II

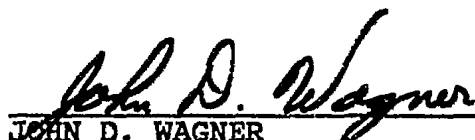
Because of the seriousness of the violations and respondent's lack of rehabilitation, his license should be revoked.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Respondent Jorge Charlet's physician assistant license, number PA-11980, is revoked.

Dated: November 26, 1991



JOHN D. WAGNER
Administrative Law Judge
Office of Administrative Hearings